

REMARKS

Claims 83-93, 100-102, and 106-111 are pending in this application. The following remarks are responsive to the final Office action dated August 28, 2008.

Response to Claim Rejections under 35 U.S.C. §112

Claims 83-93, 100-102 and 106-111 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The written description requirement is satisfied if the claimed invention is sufficiently detailed such that one skilled in the art can reasonably conclude that the inventor has possession of the claimed invention. M.P.E.P. § 2163 (citing *Moba, B.V. v. Diamond Automation, Inc.*, 66 U.S.P.Q. 2d 1429, 1438 (Fed. Cir. 2003)). An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. M.P.E.P. §2163 citing *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997).

The Office has asserted that the application does not support the limitation that the absorbent core has a surface area that is greater in the front portion of the article than in the back portion and the middle portion, and greater in the middle portion of the article than in the back portion. See page 2, paragraph 2 of the final Office action.

Applicants respectfully disagree. In Figures 1-3, the present application illustrates an absorbent article that is described as having a front portion or region (61), a back portion or region (65) and an intermediate portion or region

(63) therebetween. See, e.g., paragraph [0057]. The absorbent core (3) in each of these Figures is substantially larger in the front portion (61) than it is in the back portion (65) is also larger in the front portion (61) than in the intermediate portion (63). As a result, the surface area of the absorbent core is greater in the front portion of the article than in the back portion, and greater in the front portion than in the middle portion.

Additionally, it is clear from Figures 1-3 that absorbent core (3) does not extend into/through the back portion (65) as much as it extends into/through the middle portion (63) and as such the absorbent core has a surface area in the middle portion that is greater than the surface area in the back portion.

Because adherence of the absorbent core (3) to the chassis liner and/or outer cover reduces the stretchability of the chassis, such an arrangement allows for increased stretchability of the chassis in the back half of the article as compared to the front half of the article. See, e.g., paragraph [0123].

Accordingly, applicants submit that the application sufficiently sets forth each and every element of claims 83-93, 100-102 and 106-111 in sufficient detail that one skilled in the art can reasonably conclude that the inventors had possession of the claimed invention. Claims 83-93, 100-102 and 106-111 are therefore submitted to satisfy the written description requirement of 35 U.S.C. §112, first paragraph.

Response to Claim Rejections under 35 U.S.C. §103Claim 107

Claim 107 is directed to a disposable absorbent article having a longitudinal axis, a lateral axis, and a lateral centerline generally defining longitudinal front and back regions of the article. The article has a front end, a back end, a front portion, a back portion, and a middle portion interconnecting the front and back portions. The article comprises:

a liner adapted for contiguous relationship with a wearer's body;

an outer cover in generally opposed relationship with the liner, the outer cover having a length and a width and being stretchable along substantially the entire length of the outer cover;

the article having a surface area defined at least in part by said outer cover; and

an absorbent core disposed between the liner and the outer cover and having a front edge, a back edge, and a surface area which is less than about 50% of the surface area of the article, the absorbent core being disposed at least in said front portion and said middle portion of the article, the surface area of the absorbent core being greater in said front portion of the article than in said back portion and said middle portion, the surface area of the absorbent core being greater in said middle portion of the article than in said back portion, the front edge of the absorbent core being in a closer proximity to the front end of the article than the back edge of the absorbent core is to the back end of the article, at least a portion of the absorbent core being bonded to said outer cover.

Claim 107 is submitted to be nonobvious in view of and patentable over the references of record, and in particular U.S. Patent No. 5,904,673 (Roe et al.) and U.S. Patent No. 4,834,785 (Alemany et al.) in view of PCT Patent Application Publication No. WO 00/38913 (Morman et al.) and EP Patent Application Publication No. 0 650 714 (Divo et al.), in that whether considered alone or in combination the references fail to show or suggest an article having an absorbent core with a surface area that is greater in the front portion of the article than in the back portion and the middle portion, and greater in the middle portion of the article than in the back portion.

Roe et al. disclose an absorbent article (e.g., a diaper) 20 having a generally "T-shape" comprising a liquid impervious topsheet 24, a liquid impervious backsheet 26, an absorbent core 28 between the topsheet and backsheet and an extensible waist belt 32. Roe references Alemany et al. as disclosing an exemplary absorbent core 28. Alemany et al. merely discloses an absorbent member 42 having a varying thickness. However, there is no disclosure or suggestion found anywhere in Roe et al. that the absorbent core 28 has a surface area that is greater in the front portion of the article than in the back portion and the middle portion, and greater in the middle portion of the article than in the back portion. Rather, in each of the illustrated embodiments (see Figs. 1, 3 and 4 of Roe et al.), the surface area of the absorbent core 28 is substantially the same in both the front and middle portions of the diaper 20.

In the final Office action, the Office has taken the position that the absorbent member disclosed by Alemany et al. would "necessarily and inevitably/obviously" be positioned on the absorbent article disclosed by Roe et al. such that the

absorbent member has a surface area that is greater in the front portion of the article than in the back portion and the middle portion, and greater in the middle portion of the article than in the back portion. See page 6, paragraph 2 and page 7, paragraph 1 of the final Office action.

Applicants respectfully disagree. In particular, the Office's position is based on a characterization of the thickness differential present in the absorbent core of Alemany et al. as resulting in a front region surface area being greater than the surface area in the middle and back regions of the absorbent article. However, the term "surface area" as used in the present application clearly refers to the major (i.e., inner and outer faces) of the core and is in no way a function of the absorbent core thickness. The present application is directed to the stretchability of the chassis and how it is affected by adherence of the major faces of the absorbent core to the chassis. The thickness of the core thus has no bearing on the claimed invention.

At paragraph [0120] of the present application, applicants specifically state that "[b]oth the second absorbent core length 83 and a function of the second absorbent core width 87 and the intermediate absorbent core width 89 essentially define the surface area 35 of the back one-half portion 105 of the absorbent core." Thus, applicants make it sufficiently clear that the "surface area" referenced in the claims of the present application are a function solely of the length and width of the absorbent core, the thickness playing no part of the surface area.

Accordingly, any thickness differential present in Roe et al. and by inference Alemany et al. does not necessarily result in the claimed surface area arrangement of the front region

relative to the middle and back regions. Indeed, the absorbent core length and width disclosed in Roe et al. and Alemany et al. clearly does not disclose the recited surface area arrangement. The secondary references of Morman et al. and Divo et al. likewise fail to teach or suggest an article having an absorbent core with a surface area that is greater in the front portion of the article than in the back portion and the middle portion, and greater in the middle portion of the article than in the back portion.

Since each of the cited references fails to teach or suggest this feature individually, a combination of these references would likewise fail to teach or suggest this feature of claim 107.

For these reasons, claim 107 is submitted to be nonobvious in view of and patentable over Roe et al. and Alemany et al. in view of Morman et al. and Divo et al.

Claims 83-94, 100-102, 106, and 108 depend directly or indirectly from claim 107 and are submitted to be patentable over the references of record for the same reasons as claim 107.

#### Claim 109

Claim 109 is directed to a disposable absorbent article having a longitudinal axis, a lateral axis, and a lateral centerline generally defining longitudinal front and back regions of the article. The article has a front end, a back end, a front portion, a back portion, and a middle portion interconnecting the front and back portions. The article comprises:

a liner adapted for contiguous relationship with a wearer's body, the liner having a length and a width and being

stretchable along substantially the entire length of the liner;  
an outer cover in generally opposed relationship with the liner;

the article having a surface area defined at least in part by said liner; and

an absorbent core disposed between the liner and the outer cover and having a front edge, a back edge, and a surface area which is less than about 50% of the surface area of the article, the absorbent core being disposed at least in said front portion and said middle portion of the article, the surface area of the absorbent core being greater in said front portion of the article than in said back portion and said middle portion, the surface area of the absorbent core being greater in said middle portion of the article than in said back portion, the front edge of the absorbent core being in a closer proximity to the front end of the article than the back edge of the absorbent core is to the back end of the article, at least a portion of the absorbent core being bonded to said liner.

Claim 109 is submitted to be nonobvious in view of and patentable over the references of record, and in particular Roe et al. and Alemany et al. in view of Morman et al. and Divo et al. for the same reasons as those set forth above with respect to claim 107. That is, whether considered alone or in combination the references fail to show or suggest a disposable absorbent having an absorbent core with a surface area that is greater in the front portion of the article than in the back portion and the middle portion, and greater in the middle portion of the article than in the back portion.

Claim 110 depends directly from claim 109 and is submitted to be patentable over the references of record for the same reasons as claim 109.

Claim 111

Claim 111 is directed to a disposable absorbent article having a longitudinal axis, a lateral axis, and a lateral centerline generally defining longitudinal front and back regions of the article. The article has a front end, a back end, a front portion, a back portion, and a middle portion interconnecting the front and back portions. The article comprises:

a liner adapted for contiguous relationship with a wearer's body;

an outer cover in generally opposed relationship with the liner, at least one of said liner and said outer cover being stretchable in at least one direction, the article having a surface area defined at least in part by at least one of said liner and said outer cover; and

an absorbent core disposed between the liner and the outer cover and having a front edge, a back edge, and a surface area which is less than about 50% of the surface area of the article, the absorbent core being disposed at least in said front portion and said middle portion of the article, the surface area of the absorbent core being greater in said front portion of the article than in said back portion and said middle portion, the surface area of the absorbent core being greater in said middle portion of the article than in said back portion, the front edge of the absorbent core being in a closer proximity to the front end of the article than the back edge of the absorbent core is to the back end of the article, said at



least one of said liner and said outer cover extending beyond the front and back edges of the absorbent core and being stretchable adjacent said front and back edges.

Claim 111 is submitted to be nonobvious in view of and patentable over the references of record, and in particular Roe et al. and Alemany et al. in view of Morman et al. and Divo et al. for the same reasons as those set forth above with respect to claim 107. That is, whether considered alone or in combination the references fail to show or suggest a disposable absorbent having an absorbent core with a surface area that is greater in the front portion of the article than in the back portion and the middle portion and greater in the middle portion of the article than in the back portion.

#### CONCLUSION

In view of the above, applicants respectfully request favorable consideration and allowance of claims 83-93, 100-102, and 106-111. The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 12-384.

Respectfully submitted,

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Via EFS